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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   UNITED STATES OF AMERICA,  
10                   Plaintiff,  
11                   v.  
12                   DUNCAN GIBSON,  
13                   Defendant.

Case No. CR20-083-RSL

ORDER GRANTING  
STIPULATED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS DUE  
DATE

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16         This matter comes before the Court on the parties' "Stipulated Motion to Continue Trial  
17 and Pretrial Motions Due Date." (Dkt. # 53). Having considered the facts set forth in the  
18 motion, and defendant's knowing and voluntary waiver (Dkt. # 54), the Court finds as follows:

19         1.         The Court adopts the facts set forth in the stipulated motion: in particular, that the  
20 ongoing COVID-19 pandemic has interfered with defense counsel's ability to meet with  
21 defendant, and defense counsel requires additional time to continue to meet with defendant and  
22 advise him about a potential resolution. The Court accordingly finds that a failure to grant a  
23 continuance would deny counsel, and any potential future counsel, the reasonable time  
24 necessary for effective preparation, taking into account the exercise of due diligence, within the  
25 meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

26         2.         The Court finds that a failure to grant a continuance would likely result in a  
27 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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1       3. The Court finds that the additional time requested between April 11, 2022, and the  
2 proposed trial date of September 26, 2022, is a reasonable period of delay. The Court finds that  
3 this additional time is necessary to provide defense counsel reasonable time to prepare for trial,  
4 as defendant has requested more time to prepare for trial, to continue to investigate the matter, to  
5 gather evidence material to the defense, and to consider possible defenses. The additional time  
6 requested between the current trial date and the new trial date is necessary to provide counsel for  
7 the defendant the reasonable time necessary to prepare for trial, considering all of the facts set  
8 forth above.

9       4.      The Court further finds that this continuance would serve the ends of justice, and  
10     that these factors outweigh the best interests of the public and defendant in a speedier trial,  
11     within the meaning of 18 U.S.C. § 3161(h)(7)(A).

12       5.     Defendant has signed a waiver indicating that he has been advised of his right to a  
13 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived  
14 that right and consented to the continuation of his trial to a date up to and including October 24,  
15 2022, Dkt. # 54, which will permit his trial to start on September 26, 2022.

IT IS HEREBY ORDERED that the trial date shall be continued from April 11, 2022 to September 26, 2022, and pretrial motions are to be filed no later than August 26, 2022;

IT IS FURTHER ORDERED that the period of time from the current trial date of April 11, 2022, up to and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

DATED this 16<sup>th</sup> day of March, 2022.

*Robert S. Lasnik*  
Robert S. Lasnik  
United States District Judge

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